



LOUISIANA DEPARTMENT OF AGRICULTURE & FORESTRY  
MIKE STRAIN DVM  
COMMISSIONER



HORTICULTURE COMMISSION MEETING

March 4, 2010

9:00 a.m.

Veterans Memorial Auditorium  
5825 Florida Boulevard  
Baton Rouge, LA 70806  
Proceedings

**Agricultural &  
Environmental  
Sciences**

P.O. Box 3596  
Baton Rouge,  
LA 70821  
(225) 925-9770  
Fax: 925-3760

**Agro-Consumer  
Services**

P.O. Box 3098  
Baton Rouge,  
LA 70821  
(225) 922-1341  
Fax: 923-4877

**Animal Health  
Services**

P.O. Box 1951  
Baton Rouge,  
LA 70821  
(225) 925-3962  
Fax: 925-4103

**Forestry**

P.O. Box 1628  
Baton Rouge,  
LA 70821  
(225) 925-4500  
Fax: 922-1356

**Management  
& Finance**

P.O. Box 3481  
Baton Rouge,  
LA 70821  
(225) 922-1255  
Fax: 925-6012

**Marketing**

P.O. Box 3334  
Baton Rouge,  
LA 70821  
(225) 922-1277  
Fax: 922-1289

**Soil & Water  
Conservation**

P.O. Box 3554  
Baton Rouge,  
LA 70821  
(225) 922-1269  
Fax: 922-2577

**CALL TO ORDER**

The hearing was called to order by Mr. Parker at 9:07 a.m.

**ROLL CALL**

The roll was called by Mrs. Bellington.

Members present: Fred Bass, Todd Parker, Dr. Allen Owings, Chad Danos, Stephen Hoover, Paul Orr, Donald Kelley, Rob Barry, Patsy Spedale, Rusty Ruckstuhl, and Bill Fleming.

Members absent: Harold Tani and Roger Mayes.

A quorum was present.

Others present: Murphy Bell, Commission's Attorney; Linsey Hunter, Hearing Officer; Ansel Rankins, LDAF; Ruby Bolding, LDAF; and Fran Bellington, LDAF.

**APPROVAL OF MINUTES**

**Motion:** Dr. Owings made a motion to approve the minutes from the December 1, 2009 hearing. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

**SET NEXT HEARING DATE**

The next Horticulture Commission meeting will be Thursday, June 10<sup>th</sup>, 2010 at 9:00 a.m. in the Veterans Memorial Auditorium.

**OLD BUSINESS**

There was no old business but Mr. Parker took a moment to welcome Mr. Chad Danos to the Commission.

**REINSTATEMENTS**

Ms. Kim Bermudez requested to have her retail florist license reinstated. **Motion:** Mr. Fleming made a motion that she retest. This motion was seconded by Mrs. Spedale and passed unanimously.

Mrs. Sandra Bonnet requested to have her retail florist license reinstated. **Motion:** Mr. Fleming made a motion to reinstate her license. This motion was seconded by Mr. Ruckstuhl and passed unanimously.

Mr. Bass arrived during the second reinstatement at 9:18 a.m.

The meeting was turned over to the Hearing Officer at 9:25 a.m.

## HEARING

### New Cases

Carl Ferguson  
d/b/a Ferguson's Tree Care, LLC  
10424 Port Hudson Pride Rd.  
Zachary, LA 70791

Case No.: 10-003

Three violations of LAC 7:XXIX§ 117 E(1), E(4) and (9) for failing to enter into a written contract with the property owner, following standards of practice and using climbing irons in trees which were not removed and without permission from the owner of the trees.

Stipulation received for \$250.00. **Motion:** Mr. Parker made a motion to accept the stipulation. This motion was seconded by Mr. Hoover and passed unanimously.

Tom Clement  
d/b/a 1<sup>st</sup> Impressions Landscape Services  
215 S. Club Dr.  
St. Gabriel, LA 70776

Case No. 10-004

Six violations of L.R.S. 3:3804 (C) for advertising, soliciting, engaging and failing to abide by a stop order in a regulated profession (landscape irrigation contractor and landscape architect) without the proper license.

Mr. Clement was present and admitted to each of the charges in writing. **Motion:** Mr. Danos made a motion to find Mr. Clement in violation. This motion was seconded by Mr. Fleming. After taking a roll call vote, 8 commission members were against and 3 commission members were in favor of finding Mr. Clement in violation. The motion failed and all charges against Mr. Clement were dropped.

Scott Haines  
d/b/a Scott's Lawn Service  
4043 Common Street  
Lake Charles, LA 70605

Case No.: 10-002

Eight violations of L.R.S. 3:3804 (C) for advertising, soliciting and engaging in a regulated profession (landscape horticulturist and arborist) without the proper license.

Mr. Haines was not present but the department proceeded because service was effected. **Motion:** Mr. Ruckstuhl made a motion to find Mr. Haines in violation. This motion was seconded by Mr. Parker and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$2,000.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Barry and passed unanimously.

David McCleary  
d/b/a Tree Solutions and Property Services  
111 Charlais Drive  
Ragley, LA 70657

Case No.: 10-001

Three violations of L.R.S. 3:3804 (C) for advertising, engaging and failing to abide by a stop order in a regulated profession (arborist) without the proper license.

Mr. McCleary was not present but the department proceeded because service was effected. **Motion:** Mr. Ruckstuhl made a motion to find Mr. McCleary in violation. This motion was seconded by Mr. Bass and passed unanimously. Recommended penalty of \$250.00 per violation for a total fine of \$750.00. **Motion:** Mr. Parker made a motion to accept the recommended penalty. This motion was seconded by Mr. Hoover and passed unanimously.

The meeting was turned back over to Mr. Bass at 10:15 a.m. At this time, Mr. Parker took a moment to thank our inspectors and the staff for their hard work and the good job that they do.

### **NEW BUSINESS**

#### **Discuss Landscape Irrigation Exam Committee**

Mr. Rankins informed the Commission that the landscape irrigation exam needed to be updated and that a committee would be meeting soon to discuss those changes.

### **PUBLIC COMMENTS**

There were no public comments but Mr. Bass took this time to thank the Commission members and the staff for the work that they do.

### **ADJOURNMENT**

**Motion:** Mr. Parker made a motion to adjourn at 10:51 a.m. This motion was seconded by Mr. Danos and passed unanimously.